

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-11256-RWZ

CUMMINGS PROPERTIES, LLC

v.

PUBLIC SERVICE INSURANCE CO.

MEMORANDUM OF DECISION

May 2, 2018

ZOBEL, S.D.J.

Defendant's most recent status report (Docket # 26) notwithstanding, the temporary stay was already lifted as of February 28, 2018 (Docket # 23). Eight months' postponement has yielded few developments in the state proceedings, and abstention is neither necessary nor appropriate. See Fragoso v. Lopez, 991 F.2d 878, 882 (1st Cir. 1993); Sevigny v. Employers Ins. of Wausau, 411 F.3d 24, 29 (1st Cir. 2005). For substantially the reasons stated in plaintiff's memorandum in opposition (Docket # 11) to defendant's motion for stay (Docket # 7), that motion is DENIED.

Any dispositive motions shall be filed on or before May 30, 2018, with opposition to follow by June 20, 2018. The court will decide the matter on the papers unless either party requests a hearing.

\_\_\_\_ May 2, 2018 \_\_\_\_

DATE

\_\_\_\_\_/s/Rya w. Zobel\_\_\_\_

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE